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DISTRICT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT.

Case No. C 06 3749 JSW

**STIPULATION AND [PROPOSED]
ORDER CONCERNING LAY WITNESSES
WITH EXPERT OPINIONS
(F.R. Evid. 502, 701, 702 and 705)**

Complaint Filed: June 13, 2006
Trial Date: February 22, 2010

GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC.

Defendant.

AND RELATED COUNTERCLAIM

**STIPULATION AND [PROPOSED] ORDER
CONCERNING LAY WITNESSES WITH EXPERT
OPINIONS / Case No. C 06 3749 JSW**

1 Defendant and Counterclaimant GE TRANSPORTATION SYSTEMS GLOBAL
2 SIGNALING, LLC and Plaintiff and Counterdefendant SAN FRANCISCO BAY AREA RAPID
3 TRANSIT DISTRICT hereby stipulate, through counsel, that party-affiliated lay witnesses may
4 offer not only those opinions permitted by F.R.Evid. 701, but also expert opinions within the
5 meaning of F.R.Evid. 702, provided that, both the identity of the witness and a statement of each
6 expert opinion held by that witness, are disclosed on the date for the disclosure of all expert
7 opinions held by independent experts in the captioned litigation. For purposes of this Stipulation
8 only, the term "party-affiliated lay witnesses" means past or present contractors to or employees
9 of the parties.

10 The disclosure of a party-affiliated lay witness who will offer expert opinions within the
11 meaning of F.R.Evid. 702 does not waive any attorney-client privilege or work product doctrine
12 protection covering information known to the witness, except as to information considered or
13 relied upon by the witness in the formation of his/her expert opinions. See F.R.Evid. 502
14 and 705.

15
16 DATED: July 23, 2009

FARELLA BRAUN + MARTEL LLP

17
18 By: 
19 Charles M. Sink

20 Attorneys for Defendant and Counterclaimant
21 GE TRANSPORTATION SYSTEMS
22 GLOBAL SIGNALING, LLC

DATED: July 8/3, 2009

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SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 27, 2009

~~HONORABLE JEFFREY S. WHITE
United States District Judge~~

STIPULATION AND [PROPOSED] ORDER
CONCERNING LAY WITNESSES WITH EXPERT
OPINIONS / Case No. C 06 3749 JSW